

Exhibit 27

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**
5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.**

10 Defendants.
11 -----

12 **ORAL EXAMINATION OF LANCE RUSSO**

13 **APPEARING REMOTELY FROM**

14 **ERIE COUNTY, NEW YORK**

15
16 Friday, April 29, 2022

17 At 9:00 a.m. - 6:20 p.m.

18 Pursuant to notice
19

20 REPORTED BY:

21 Brooklyn Morton, Notary Public

22 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK
23

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

— LANCE RUSSO - BY MS. EZIE- 04/29/2022 —

1 Everybody is by seniority so some officers got
2 a lot or all of it and some didn't. As far as
3 our detail -- in fact, the detail used to be a
4 lieutenant and two -- was it a lieutenant and
5 two bodies or four bodies? And then it
6 eventually came down to a lieutenant and one
7 body they cut the manpower back because they
8 didn't want to pay overtime anymore. So it
9 varied depending on when it started. It was
10 obviously hot and heavy when it first started
11 and then they started cutting it back and then
12 eventually they stopped doing it at all, but
13 many made much more than others.

14 Q. Got it. Was overtime a significant part of
15 your salary?

16 A. Sure. Absolutely.

17 Q. How much -- what was your base salary with the
18 BPD? What was the range in the ten years you
19 were with the Housing Unit?

20 A. You mean, contractually my base pay?

21 Q. Sure.

22 A. I think base pay contractually was 88,000. It
23 came out to be closer to 1 00,000 a year to

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1 walk in the door.

2 Q. Okay. Got it. And what was the range of
3 overtime that you received on top of that?

4 A. It was pretty substantial. It varied, but I
5 was -- between myself and the other housing
6 lieutenant, again there was only -- you had to
7 have somebody and between that and our details
8 and we also worked when a lieutenant was
9 needed in the Strike Force details, we would
10 get calls for that, too. So it was pretty
11 substantial. Do you want actual numbers?

12 Q. If you have a range, that would be great.

13 A. I think I probably averaged, like, maybe 150,
14 160 on average. Sometimes it was higher,
15 sometimes lower over the course of a ten-year
16 period.

17 Q. Are you describing your salary base pay plus
18 overtime or just the overtime?

19 A. Yeah. I am sorry. That would be everything,
20 like a yearly salary, but it varied. I mean,
21 it could be higher than that, it was lower.
22 It all depended on the year. It tended to go
23 up as the time went on from 2010 to 2020.

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1 MS. RAUH: Objection to form.

2 A. Sure. I mean, it is just a matter of manpower
3 and need. You know, if it's hitting the fan
4 at a particular location, that's where I have
5 to send bodies and that's what we do.

6 Q. The units where there was sort of a
7 concentration of Housing Unit activity, that
8 included Kenfield-Langfield?

9 A. Correct.

10 Q. Anywhere else?

11 A. Kenfield-Langfield, Shaffer Village, LBJ, the
12 Perry Projects, Lasalle Park. I mean, those
13 are the larger main areas, Marine Drive.
14 That's where we had most of the activity. A
15 lot of the activity, it varied. I mean,
16 Marine Drive may have been a lot of vehicular
17 issues and parking issues and stolen car
18 issues and that kind of stuff where another
19 location may have been a homicide, that kind
20 of thing.

21 Q. Got it. Am I correct that the Housing Unit
22 established semipermanent details at the
23 Kenfield-Langfield Projects?

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1 could respond immediately.

2 So yes, that did occur over a certain
3 timeframe, but that also led to neglecting a
4 lot of other locations just out of manpower.

5 Q. Got it. Kenfield-Langfield, where is that
6 BMHA property located?

7 A. So that would be the east side. I wish I had
8 a map right here. I don't know if you are
9 familiar with Bailey, Langfield area. So it
10 runs between, like, Suffolk and Eggert and
11 Langfield and then Oakmont.

12 Q. Okay. Okay. And what would -- is it fair to
13 say that most of the residents of
14 Kenfield-Langfield are African American?

15 MS. RAUH: Objection to form.

16 A. Yes. I would say that's true.

17 Q. Okay. And is that true of the east side
18 generally in your experience?

19 MS. RAUH: Objection. Form.

20 A. Yeah. Probably so.

21 Q. Okay. And what was your understanding of why
22 Kenfield-Langfield became a focus of the
23 Housing Unit?

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1 to get them all the time.

2 You know, you say, look, dude, I could
3 have wrote you five and I wrote you one. You
4 have to get these taken off. And honestly,
5 too, that stuff adds up. You get a fine for
6 every window.

7 Q. So there were instances where officer would
8 write multiple tinted window tickets at a
9 time?

10 A. Sure.

11 Q. Okay.

12 A. As I said, it was completely pertaining to the
13 V&T law.

14 Q. And those matters were entrusted to officer
15 discretion?

16 MS. RAUH: Objection. Form.

17 A. I mean, you had officer discretion. If you
18 wanted to write all five, you certainly could.
19 If you wanted to write none or one, you don't
20 have to. So yes, it was officer discretion.

21 Q. And there were instances where up to five
22 tickets would be issued at a time to
23 motorists?

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1 A. Yeah. I had that it happened and then
2 honestly I think a while back it came down
3 from -- I can't remember where. Somebody in
4 the higher up had mentioned it, hey, maybe not
5 write all five because there's a lot of
6 complaints related to it and again, they can't
7 override the law. The law is that you can
8 write that, but they did suggest a lot of
9 complaints were coming from it.

10 Q. Did you receive some of those complaints
11 personally?

12 A. From motorists you mean?

13 Q. Correct?

14 A. I think so. Yeah. I think I remember
15 complaints about tints.

16 Q. Is it true that when multiple tickets were
17 issued the fine for motorists could be pretty
18 expensive?

19 MS. RAUH: Okay. Form.

20 A. Can you repeat that?

21 Q. Sure. Is it correct that if a motorist
22 received multiple tinted window tickets, it
23 could result in a pretty large violation?

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1 It's a one-page document. I zoomed it in, but
2 at the bottom you will see it has the Bates
3 stamp. Let me know when you had a chance to
4 read it.

5 A. Okay.

6 Q. So, Mr. Russo, do you see the email from
7 Captain Serafini -- or sorry, just to the
8 Housing Unit lieutenants?

9 A. I do.

10 Q. And it copies Chief Young?

11 A. Correct.

12 Q. And it's describing a daytime detail for the
13 Housing Unit?

14 A. Correct.

15 Q. And it also states that there are a few
16 requirements -- a few new requirements for
17 that detail?

18 A. Correct.

19 Q. Do you see the second paragraph, which
20 describes DPC Lockwood?

21 A. Yes.

22 Q. And it states that Deputy Police Commissioner
23 Lockwood wants results with this increase

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1 daytime detail and that all officers should be
2 made aware of this and what is expected of
3 them?

4 A. Correct.

5 Q. What do you understand that paragraph to be
6 referring to?

7 A. Again, your job. Whatever that pertains to.
8 You are not coming in on overtime and not
9 being out there. So, I mean, if it means
10 summonses or making an arrest. I don't know
11 how long this was for. I can see by the date
12 it was in July. So, you know, they could have
13 increased for a couple of weeks or a month. I
14 don't really know.

15 I am sure it's dictated by the activity,
16 especially when it says there has to be a car
17 that stays in Kenfield-Langfield. Between
18 that and the fact that it's -- you know, the
19 summer gearing up. That's what this extension
20 would have been for. So I can tell you that
21 from five POs to one lieutenant, that was not
22 for long because it was generally -- they even
23 cut it back to one officer and one lieutenant

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1 at one point. So it varied depending on the
2 time of year and, you know, activity.

3 Q. Got it. But as far as the reference to
4 results, do you agree that's a reference to
5 arrests, summons, impounds, parking tags,
6 ceasing of drugs, et cetera?

7 MS. RAUH: Objection to form.

8 A. I view it as -- I understand what your point
9 is with this, but I don't view it like they
10 are -- like that's what they are saying. They
11 want results, being that's what your job is.
12 If there is an arrest to be made, do it. If
13 you are walking around and you are enforcing
14 V&T, you are going to come across those
15 things, you are going to have arrests. You
16 are going to have summonses written, you are
17 going to have impounds. Those things are
18 going to happen when you are doing your job.
19 So that's how I view it.

20 Q. Did you issue your officers instructions based
21 on this email?

22 A. I don't remember this email. Clearly we got
23 it, but I don't remember it. So I am sure

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1 that I did because I would have to notify them
2 all that we were getting an increase in
3 overtime and I would have to notify people to
4 come in so --

5 Q. Got it. Do you believe you would have
6 followed Serafini's instruction to have all
7 officers be made aware that the deputy police
8 commissioner wanted results and what is
9 expected of them?

10 MS. RAUH: Objection.

11 A. I am sorry. Am I answering?

12 Q. Yes. You can answer.

13 A. If that was my order as it is here, that's
14 exactly what I would have done.

15 Q. Okay. And do you see -- jumping down two
16 paragraphs to, I guess, what's paragraph four.
17 It states that the daytime detail was running
18 -- was instructed to run a daily traffic
19 checkpoint?

20 A. I do.

21 Q. So that would have been a reference to a
22 Housing Unit checkpoint?

23 A. It appears to be, yes.

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1 days that I am off.

2 It was a similar situation. We are a
3 very small unit. You can only do so much with
4 the time that they gave you. They needed more
5 bodies and they did that in the form of
6 overtime and instead of adding bodies.

7 Q. Isn't it true that overtime also served as an
8 incentive for officers?

9 A. Yeah. Who doesn't want to work for extra
10 money? Of course. But, that's not -- they
11 don't want us to have the extra money, trust
12 me. They gave it to us because they had to.
13 We fight tooth and nail to get anything we can
14 get.

15 Q. Got it. And with respect to -- is it true
16 that without the overtime there are some
17 officers who would have left the Housing Unit?

18 MS. RAUH: Objection. Form.

19 A. That's possible. I mean, either there are
20 some people that -- I mean, I know everyone
21 knows our pensions are based off of your best
22 three-year salary. So people will
23 specifically go to locations to make the most

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1 money they can. I had -- in our unit we are
2 all young guys. It really didn't pertain to
3 them. So, I mean, they got a lot of court.
4 That's where their money came from. Whereas
5 lieutenants got more on overtime. So, yeah.
6 I guess you could say you are correct. I
7 mean, that would pretty much be anywhere in
8 the city.

9 Q. Okay. Were you aware that Captain Serafini
10 believed that without overtime as an incentive
11 that the Housing Unit would lose a lot of good
12 officers?

13 MS. RAUH: Objection. Form.

14 A. I was not, but that does make sense.

15 Q. Why does it make sense to you?

16 A. Well, as you just said, I mean, people are
17 motivated by money, too. If you can go
18 somewhere and make more money, why wouldn't
19 you?

20 MS. EZIE: Got it. Okay. We have been
21 going for a little while. I think if we can
22 take a five-minute break now, hopefully we will
23 be able to power through following that break

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1 STATE OF NEW YORK)

2) ss.

3 COUNTY OF ERIE)

4
5 I, Brooklyn Morton, Notary Public, in and for
6 the County of Erie, State of New York, do
7 hereby certify:

8 That the witness whose testimony appears
9 hereinbefore was, before the commencement of
10 their testimony, duly sworn to testify the
11 truth, the whole truth and nothing but the
12 truth; that said testimony was taken pursuant
13 to notice at the time and place as herein set
14 forth; that said testimony was taken down by me
15 and thereafter transcribed into typewriting,
16 and I hereby certify the foregoing testimony is
17 a full, true and correct transcription of my
18 shorthand notes so taken.

19 I further certify that I am neither counsel
20 for nor related to any party to said action,
21 nor in anyway interested in the outcome
22 thereof.

23 IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed my seal on this
19th day of May, 2022.

Brooklyn Morton

Brooklyn Morton

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